

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PENSION TRUST FUND FOR
OPERATING ENGINEERS, et al.,

Plaintiffs,

v.

TRACTOR EQUIPMENT SALES, et al.,

Defendants.

Case No. [12-cv-01056-WHO](#)

**ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
TO SERVE DEFENDANTS**

Re: Dkt. No. 39

Plaintiffs, through their counsel, ask that the Court grant their Request to Continue Case Management Conference and All Related Deadlines (Dkt. No. 39). Plaintiffs have asked to continue case management conferences *five* times, and the Court has granted their request five times. This case was filed nearly a year and a half ago, yet the First Amended Complaint (Dkt. No. 37) was filed only two days ago and no defendants have appeared.

The Court **ORDERS** that the case management conference originally set for August 13, 2013, be continued to October 8, 2013. There will be no further continuances. The Court **ORDERS** counsel for Plaintiffs to serve this Order upon Defendants within five days. Recognizing that counsel for Plaintiffs apparently requested a waiver of service from Defendants' counsel yesterday, and that counsel for Plaintiffs had discussed this litigation with counsel for Defendants prior to filing the First Amended Complaint, the Court expects counsel for Defendants to file a timely responsive pleading and that counsel for all parties shall meet and confer and file a joint case management conference statement on or before October 1, 2013, and to participate fully

1 in the case management conference, during which the Court intends to insure this case gets on
2 track.

3 **IT IS SO ORDERED.**

4 Dated: August 1, 2013

A handwritten signature in black ink, appearing to read "W. H. Orrick". The signature is written in a cursive, somewhat stylized font.

WILLIAM H. ORRICK
United States District Judge

United States District Court
Northern District of California